

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
STP NUCLEAR OPERATING COMPANY)	Docket Nos. 52-012-COL
(South Texas Project Units 3 and 4))	52-013-COL
	September 9, 2010

**STP NUCLEAR OPERATING COMPANY’S MOTION FOR LEAVE
TO EXCEED MOTION PAGE LIMIT**

On or after September 14, 2010, STP Nuclear Operating Company (“STPNOC”), applicant in the above-captioned proceeding, plans to file a Motion for Summary Disposition of Contention CL-2 that will exceed the 15 page limit imposed by Section II.F.1 of the October 20, 2009 Initial Scheduling Order. Pursuant to 10 C.F.R. § 2.323 and the Initial Scheduling Order, STPNOC hereby seeks leave of the Atomic Safety and Licensing Board (“Board”) to exceed the 15 page limit.

Section II.F.1 of the Initial Scheduling Order states:

A motion to exceed this page limitation must (i) indicate whether the request is opposed or supported by the other participants to the proceeding; (ii) provide a good faith estimate of the number of additional pages that will be filed; and (iii) demonstrate good cause for being permitted to exceed the page limitation.

In accordance with this requirement, STPNOC has contacted counsel for the Intervenors and the NRC staff, who have stated that they support this motion for leave to exceed the page limitation. Similarly, STPNOC does not oppose the Board allowing any answer to the Motion for Summary Disposition to exceed the 15 page limitation. STPNOC will make every effort to keep the Motion for Summary Disposition as brief as possible; however, STPNOC’s current

good faith estimate is that the Motion for Summary Disposition will be approximately 25-30 pages in length.

STPNOC has good cause for being permitted to exceed the page limitation. Before consolidation in LBP-10-14, Contention CL-2 consisted of three contentions proffered by the Intervenor. These contentions raised a number of discrete issues regarding the replacement power cost estimates that factor into the Severe Accident Mitigation Design Alternative (“SAMDA”) evaluation for STP Units 3 and 4. To fully address these topics, STPNOC plans to argue that its replacement power cost estimates were reasonable and use of Electric Reliability Council of Texas pricing data, use of the Intervenor’s replacement power cost estimates, and consideration of market effects, price spikes, and grid outages would not affect the conclusions of STPNOC’s SAMDA evaluation. To support these arguments, STPNOC plans to provide background information on SAMDA evaluations and an overview of the replacement power costs and SAMDA evaluation in the Environmental Report for STP Units 3 and 4. The additional requested pages are necessary to present the above information in a clear manner and to fully discuss the corresponding legal requirements. STPNOC believes that the additional pages will allow the other parties and the Board to better understand its position, which will facilitate any answers to the Motion for Summary Disposition and the resulting Board order.

For these reasons, STPNOC respectfully requests that the Board grant this motion for leave to exceed the page limitation.

Respectfully submitted,

/s/ Stephen J. Burdick

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Counsel for STP Nuclear Operating Company

Dated in Washington, D.C.
this 9th day of September 2010

CERTIFICATIONS

I certify that I have made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in this motion, and to resolve those issues, and I certify that the Intervenors and NRC staff do not oppose this motion.

Signed (electronically) by Stephen J. Burdick

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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2010, a copy of “STP Nuclear Operating Company’s Motion for Leave to Exceed Motion Page Limit” was served by the Electronic Information Exchange on the following recipients:

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